

Upon entry of the present amendment, claims 6 - 8 and 11 - 13 remain pending in the application. Claim 6 has been amended, and claims 1-5, 9-10 and 14 have been cancelled.

The above-identified Office Action has been reviewed and the comments of the Examiner carefully considered. In view thereof, the present amendment is submitted. It is contended, by the present amendment, all bases of rejection set forth in the office action have been traversed and overcome. Accordingly, consideration and withdrawal of the rejection is respectfully requested.

#### **STATEMENT OF THE REJECTIONS**

The Examiner has rejected claims 1 - 5 under 35 U.S.C. 103 as being unpatentable over the background of the invention of Piosenka et al (U.S. Patent No. 4,993,068) and Blonstien et al (U.S. Patent No. 5,319,724).

Claims 6 - 8, 9 - 11 and 14 are rejected under 35 U.S.C. 103 as being unpatentable over the background of Piosenka et al in view of Schireck (U.S. Patent No. 5,306,049).

Claim 8 is rejected under 35 U.S.C. 103 as being unpatentable over the combination of the background of Piosenka et al and Schireck in view of Blonstien et al.

#### **THE REFERENCES**

Piosenka et al, U.S. Patent No. 4,993,068, teaches a personal identification system that generates one-way encrypted version of physically immutable identification credentials which are stored on a portable memory device.

Blonstein et al. U.S. Patent No. 5,319,724 teaches an apparatus and corresponding still images while still compatible with a joint photographic experts group (JPEG) transform.

Schreik U.S. Patent No. 5,306,049, teaches a sports memorabilia authentication kit in which a collectable sports item is marked with an original thumb print of a sports figure associated with the item and an authentication card having a duplicate original print together with other identifying indicia to identify the sports figure.

### **ARGUMENT**

At the outset, and with respect to the Examiner's comments, claims 1-5, 9, 10 and 14 have been canceled. Moreover, claim 6 has been amended to include: (1) the elements claimed in claims 9 and 10, i.e., the graphical representation including one physical trait; (2) the step of activating the centralized computer to download information; and (3) an activation card only possessing activating means without graphical representations to download information from the centralized computer. Furthermore, the Examiner has agreed that, with the amended claims, such claims will now overcome the references of record.

### **REJECTIONS UNDER 35 U.S.C. 103**

As noted above, claims 1 - 5 are rejected under 35 U.S.C. 103 as being unpatentable over the background of Piosenka et al and Blonstein et al. Regarding claim 1, the Examiner states that the background of Piosenka et al discloses a secure identification system utilizing physical traits which comprises: at least one centralized computer/database or repository storing a database of image files; a plurality of remote terminals in operative communication with the centralized computer, wherein the comparisons are made with at least image files stored in the centralized database. Moreover, the Examiner states that Blonstein et al teaches compression of still images utilizing JPEG. It is then concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the background of Piosenka

et al by incorporating the JPEG still image compressing technique to images as taught by Blonstein et al in order to decrease memory requirements for storage of image.

As stated hereinabove, claims 1 - 5 have been canceled with respect to the discussion of the interview of May 4, 1998. Accordingly, such rejection is no longer applicable.

Claims 6 - 7, 9 - 11 and 14 are rejected under 35 U.S.C. 103 as being unpatentable over the background of Piosenka et al in view of Schreik. Regarding claim 6, the Examiner states that the background of Piosenka et al discloses a secure identification method which comprises the steps of: capturing a first graphical representation of a subject at a first data terminal, transferring and receiving such graphical representation at a centralized computer, storing the information, receiving a request from a second data terminal, inputting a second graphical representation, downloading, comparing the second graphical representation with the first representation, and authenticating the user.

Moreover the Examiner states that Schreik teaches utilization of a relational database to store advertised images. It is then concluded by the Examiner that it would have been obvious to one of ordinary skill in the art to modify the background of Piosenka as taught by Schreik in order to provide a more sophisticated means of tracking and recording the authentication of digitized files as taught by Schreik.

As to claim 14, the Examiner rejects claim 14 with reasons similar to that of those applied to claim 6.

Again, as noted hereinabove, claim 6 has been amended in accordance with the comments provided by Examiner in the Interview Summary of May 4, 1998 and from the telephone conversation of June 16, 1998. Additionally, claims 9, 10 and 14 have been canceled. Claim 6 now includes the step of activating the the centralized computer with an activation card which only possesses activating means without graphical representations to download stored information from the centralized computer.

Additionally, claim 6 now includes elements claimed in now canceled claims 9 and 10, i.e., the graphical representations including one physical trait.

As to claim 7, the Examiner states that it is considered inherent that the first and second data terminals are the same for the purpose of performing the same function. Claim 7 depends from claim 6. For the reasons that claim 6 now has overcome the prior art references cited by the Examiner, claim 7 has also overcome the prior art references. However, it should be noted that, as claimed in claim 6, only the first graphical representation of the subject is captured at and transferred from the first data terminal, whereas inputting the second graphical representation of the subject, downloading the first graphical representation of the subject, and comparing and authenticating the first and second graphical representations are conducted at the second data terminal. Therefore, the applicant respectfully requests that the Examiner more fully explain the reasoning for the rejection of claim 7 or withdraw the rejection therefrom.

As to claim 11, the Examiner states that it is considered inherent that the subject is inanimate because it is necessary for the image/subject to be captured as still in order to be compared. For the reasons that claim 6 now has overcome the prior art references cited by the Examiner, claim 11 has also overcome the prior art references. However, it is to be noted that such presumption is vehemently challenged. The applicant directs the Examiner to page 5 and Figure 1 of the present application which disclose subjects having both still and motion video sources. Thus, withdrawal of the rejection is respectfully requested.

As to claims 12 and 13, claims 12 and 13 depend from claim 6. For the reasons that claim 6 now has overcome the prior art references cited by the Examiner, claims 12 and 13 also overcome the prior art references.

As to claims 9, 10, and 14, such claims have been canceled without prejudice. Thus, rejections pertaining thereto are no longer applicable.

Claim 8 is rejected under 35 U.S.C. 103 as being unpatentable over the combination of the background of Piosenka et al and Schreik in view of Blonstein et al. The Examiner states that it would have been obvious to one of ordinary skill in the art to modify the combination of the background of Piosenka et al and Schreik by incorporating the JPEG still image compressing technique to images as taught by Blonstein et al in order to decrease memory requirements for storage of images.

Claim 8 depends from claim 6. For the reasons that claim 6 has now overcome the prior art references under 35 U.S.C. 103, claim 8 also has overcome the prior art references. Therefore, the applicant believes that the rejection has been traversed. Accordingly, withdrawal of the rejection is requested.

Therefore in summary, the applicant respectfully submits that the rejections have been traversed and overcome. The applicant has amended claim 6, as suggested by the Examiner and incorporated into the interview summary to render it distinct from the art of record and to clearly articulate the claimed invention. Thus, the applicant submits, in the absence of more pertinent art, that the application has now been placed in condition for allowance. The applicant respectfully requests a notice to this affect.

If the Examiner feels that the prosecution of this application can be expedited, then he is courteously requested to place a telephone call to the applicant's attorney at the telephone number listed below.

Respectfully submitted,



Arnold S. Weintraub  
Attorney of Record  
Registration No. 25523  
(248) 258-5590

WEINTRAUB & BRADY  
30200 Telegraph Road, Suite 444  
Bingham Farms, MI 48025

ASW:mjw

Dated: *June 17, 1998*